

SENATE BILL REPORT

E2SHB 1560

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 25, 2010

Title: An act relating to collective bargaining for employees of institutions of higher education.

Brief Description: Regarding collective bargaining at institutions of higher education.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Conway, Wood and Simpson).

Brief History: Passed House: 2/10/10, 64-33.

Committee Activity: Labor, Commerce & Consumer Protection: 2/22/10, 2/25/10 [DPA, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass as amended.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

Minority Report: Do not pass.

Signed by Senators Honeyford and King.

Staff: Kathleen Buchli (786-7488)

Background: The Personnel System Reform Act of 2002 (Act) provides for collective bargaining with representatives of civil service employees in general government and institutions of higher education.

For purposes of negotiations, state agencies are represented by the Governor. Institutions of higher education may be represented by either their governing boards or by the Governor. The Act provides for multi-employer bargaining and coalition bargaining involving state agencies and institutions of higher education represented by the Governor. Representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Representatives of fewer than 500 employees must bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all represented employees.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Before the Governor submits a request for funds necessary to implement the compensation and fringe benefit provisions in a master collective bargaining agreement to the Legislature, the request must be submitted to the Director of the Office of Financial Management (OFM). The request must be submitted by October 1 before the legislative session, at which the request is to be considered and the Director of OFM must certify the request as being feasible financially for the state. The Legislature must not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the Legislature as part of the Governor's budget document.

Summary of Bill (Recommended Amendments): A governing board of a university or college may elect to have its negotiations conducted by the Governor, except that one master collective bargaining agreement must be negotiated for all of the bargaining units of employees of a university or college that the exclusive bargaining representative represents or if the parties mutually agree, the Governor and the exclusive bargaining representative must negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college represented by the exclusive bargaining representative.

If an exclusive bargaining representative for a bargaining unit of higher education employees is certified during or after the conclusion of a legislative session, the Legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to OFM and the legislative budget committees before final legislative action on the biennial or supplemental operating budget.

The Public Employees Collective Bargaining Act is made applicable to full-time and part-time University of Washington extension lecturers in English language programs holding annual and quarterly contracts.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Amendments): The Public Employees Collective Bargaining Act is made applicable to full-time and part-time University of Washington extension lecturers in English language programs holding annual and quarterly contracts.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 18, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill: PRO: There are problems with current law that are addressed in this bill. Blanket contracts cannot address the differences between the various institutions of higher education. The deadline for completion of negotiations is of issue if the unit changes their bargaining representative after the October 1 deadline. It is possible for negotiations not to be completed by October 1. The

amendment before you relates to an issue with higher education bargaining where there is an underlying flaw in the statute. Because of the way the law is written, if OFM determines the agreement is not financially feasible, the entire agreement may be rejected which results in inequities. We support the underlying bill as written but not the amendment which would potentially undermine the Legislature's authority to reject an agreement. Basing a decision on a source of funds breaks the negotiated contract into different agreements. We are concerned about potential disparate treatment under the amendment.

Persons Testifying: PRO: Lindsay Groce, Public School Employees; Kim Cook, Service Employees International Union #925; Terry Teale, Lou Pisano, University of Washington Council of Presidents; John Boesenberg, State Board for Community and Technical Colleges; Doug Nelson, Public School Employees.